

LETTER
OF
JUDGE BROCCHUS,
OF ALABAMA,
TO
THE PUBLIC,
UPON THE
DIFFICULTIES IN THE TERRITORY OF UTAH.

WASHINGTON:
HENRY POLKINHORN, PRINTER.
1859.



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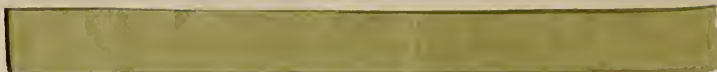
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LETTER TO THE PUBLIC.

ROCKBRIDGE COUNTY, VIRGINIA,
August 23, 1852.

The President of the United States, on the 17th day of May last, nominated to the Senate a person to succeed me as associate justice of the Supreme Court of the United States for the Territory of Utah. This nomination was made without a resignation on my part.

For two reasons I deem it incumbent upon me to address the public upon this subject. The first is, that I conceive it due to myself to publish the grounds upon which the President has proceeded, as such a publication would not probably come from any other source. The second is, that it is due to the country that the people should understand the causes of the withdrawal of the officers from the Territory, and the policy which has been pursued in view of the evils existing there.

Personally, I am a mere atom in this important matter, yet I deem it due that I should protect myself from the imputation of having been removed from office for any other than the real cause ; which imputation might, and in all probability would, be cast upon

me, from malevolent sources, were I to leave the matter unexplained.

During the summer of 1851 I arrived in the Territory of Utah, in the capacity of United States Judge. In the fall of the same year I returned therefrom, under the full impression that it would be utterly fruitless to remain with a hope of being useful in my official capacity, under the organization then existing in the Territory. In that opinion I had the full concurrence of every other civil officer of the Territorial Government who was not a Mormon, and we accordingly all withdrew together, under a common conviction that a continuance there would be not only officially useless, but personally degrading.

Our contemplation was to make to the President of the United States a report of the circumstances which influenced us in our withdrawal, and, in co-operation with him, to aid, by our personal presence and influence at Washington, in bringing about such changes in the organization of the Territory as would insure a faithful execution of the laws and a respectful regard for the jurisdiction of the United States. Accordingly, in the month of December last, a full and detailed report was made, in writing, to the President, jointly by the Hon. Lemuel G. Brandebury, chief justice, Hon. B. D. Harris, Secretary of State, and myself. That report was communicated by the President, without comment, to the House of Representatives, in answer to a call of that body for information in regard to the state of things existing in Utah. It has never been communicated to the public, excepting in a mutilated and

ridiculously interpolated form, as it appeared in the columns of the New York Herald immediately after its transmission to the President, and before it had reached Congress—doubtless through Mormon instrumentality or procurement, with a view of bringing the authors into ridicule.

Contrary to our expectation, the President signified no disposition to effect any change in the organic law or arrangement of the Territory, but inclined to maintain the same organization, and to send the officers, who had withdrawn, back into the very condition of affairs which they had already found intolerable, both as public officers and as individuals accustomed to the civilities, the proprieties and the decencies of life. In testimony whereof, I received from the Hon. Daniel Webster, Secretary of State, on the 28th day of April last, a letter of which the following is a copy:

“ DEPARTMENT OF STATE,

“ *Washington, April 28, 1852.*

“ SIR : I am directed by the President to inform you that unless you signify, by the 5th day of May next, that you intend to return immediately to the Territory of Utah, for the purpose of resuming the discharge of your official duties, the President will take it for granted that you do not intend to return, and will therefore proceed to perform the duty which will then devolve upon him.

“ I am sir, respectfully, your obedient servant,

“ DANIEL WEBSTER.

“ HON. PERRY E. BROCCUS, *Associate Justice of the Supreme Court of the United States for the Territory of Utah, Washington.*”

Judge Brandebury and Mr. Secretary Harris both received, from the same source, a letter of similar tenor and date. In reply thereto, I addressed Mr. Web-

ster a letter, of which the annexed is a copy, by which it will be perceived that I declined returning under the circumstances then existing, but signified a readiness to return upon the adoption of such measures as would have a tendency to overcome the obstacles lying in the way of a faithful execution of the laws. The other officers, in reply, declined returning, and for so doing, gave reasons similar to those assigned by me. They resigned their commissions. I did not resign; whereupon a nomination for my successor was made by the President, to the Senate. The nominee was Orson Hyde, an elder in the Mormon church.

Thus it appears that the Executive deemed it the true policy, not only to retain in office Brigham Young, the Governor of the Territory and the ringleader in the works of sedition and social abomination that characterize the Mormon community, but to keep all the other Mormon officers clothed with their official authority and influence, and to send into their midst another one, professedly of their own faith, and identified with their domestic customs, to exercise the high and delicate functions of a judicial officer; thus lending to them another arm of strength to aid in the administration of the Territorial government in accordance with their arbitrary, immoral, and seditious views.

In our report to the President of the United States, we allege the fact, not mentioned in the subjoined letter, that Brigham Young, the Governor of the Territory, is living in the practice of the system of polygamy, and that he has a large number of what are called spiritual wives—declaratively spiritual, but to all in-

tents and purposes temporal and corporeal. This fact, of itself, affords ample reason why this man should no longer be honored with the commission which he holds under the Government of the United States ; or, rather, why that commission should no longer be dishonored by his continuance in office.

It may be said that, under the Constitution of the United States, every man is guarantied the right of worshipping God according to the dictates of his own conscience, and that, therefore, this Government has no right to interfere with those people in the practice of a custom dictated by the principles of their professed religious faith. With that sacred guarantee of the Constitution far be it from me to contend. But that the Constitution contemplates the protection of every class of people who may assume to themselves a religious faith, in the maintenance of a custom deeply marked by licentiousness, and at war with the most cherished sentiments of virtue and morality throughout the civilized and Christian world ; that the Constitution contemplates a thing so unreasonable and monstrous as this, I do deny. Nor is it my purpose here to discuss the right of this Government to interfere with the local customs or institutions of a people living under its general jurisdiction. But for this much I do contend—that it was the duty of the President of the United States, as the Executive head of an enlightened government, whose people and institutions are marked by the highest characteristics of moral elevation known to the whole world, to manifest his disapprobation of a custom so odious

and abominable as that of polygamy, by instantly removing from office a public functionary, upon being satisfied that, theoretically and practically, he maintained the propriety of such a system ; and thus to show, in the most indubitable manner, his unwillingness that a high commission from his hands should be sullied and dishonored by the practice of a custom which is recognized as a crime at common law, and is at war with every sense of decency and virtue wherever civilization is known. Being the executive guardian of the honor and fair fame of our country, he is bound, as such, to protect it in the eyes of the people and the world, so far as constitutionally within his power, from the stain of disgrace which the peculiar system of those people is calculated to cast upon it. And it may not be going too far to say that such a duty is further enjoined by the common obligations of justice and humanity. There can be no reasonable doubt that the great mass of the Mormon community are misled into all their errors by a religious fanaticism, while a set of heartless, hypocritical leaders are feeding the fire and fanning the flame of their mad infatuation. If the President had promptly removed their master-spirit from the high political office which he holds amongst them, he would thus have shown to the deluded people living under his tyrannical sway that he disapproved their system and was determined to do all legitimately within his power to suppress it. Thus he would have thrown the strength of his moral influence on the side of truth and jus-

tice, and perhaps have taken an important step in dispelling their delusions, restoring them to the light of reason, and setting them free from the fetters of a depraved priestcraft, which, vampire-like, is revelling in their fanatical credulity. As it is, the moral influence of the President has gone the other way; and the Mormon people, regarding him as their patron and friend, are singing hozannas to his name, while, animated by his friendly policy toward them, they are ready to press forward with renewed energy in the prosecution of their designs—social, religious, and political. However unjust it may be for them to put such a construction upon the President's course, they nevertheless will do it: and that construction will exert its full moral power. With no desire to call into question the conscientiousness of the Executive in the course which he has pursued—not doubting that he has proceeded according to the dictates of his own sense of propriety—I am confident that the effects of his policy will be to aggravate rather than ameliorate the evils which he, doubtless, in common with the whole country, desires to see remedied.

The maintenance of the system of polygamy amongst the Mormons has, until recently, been a subject of speculation, of doubt, and disbelief. It was hard to reconcile it to the moral sense of this country, that here, in the nineteenth century, in the very bosom of our great confederacy, such a system could have an existence. But proof has been added to proof, until the very people themselves have come

publicly into the newspapers, and not only proclaimed the existence of such a system, but have openly and boldly asserted their right to practise and maintain it. And this they assume the right to do upon soil belonging to the American people, while the many wives of their high priests are maintained out of the treasury of the American Government : for, so long as the appropriations for the support of the Territorial Government are confided to the care of Brigham Young and his satellites, so long will they be diverted from their legitimate purposes, and applied to the maintenance of the numerous wives of those cormorants of licentiousness.

Does there not exist, then, on the part of this Government, an obligation to withhold from those people, as far as lies in its power, the means of fostering and perpetuating this system ? That such an obligation exists none can doubt. It is involved in the general duty of preserving untarnished the fair fame of our country, and is enjoined by every sense of national self-respect, and all the promptings of a refined and enlightened humanity. One of the proper steps in the discharge of that obligation would be to keep the funds for the support of the Territorial Government, whether for the payment of official salaries or other purposes, as far as practicable, from the hands of those who would apply them directly to the maintenance of a plurality of wives.

The Governor of the Territory receives a salary of \$2,500 per annum. That amount, therefore, is given annually by this Government to Brigham Young for

the support of his wives. One of the United States Judges, the United States District Attorney, the United States Marshal, and the Postmaster are Mormons, and to them a large sum of money is annually paid out of the public treasury, nearly all of which goes to the support of spiritual wives, and is virtually applied by the Government to that end. Then, again, a large portion of the appropriations for the Territorial Government is, by the existing law, placed under the control of the Governor and his legislature. With a Mormon Governor who has fifty or more wives, and a legislature each of whom has as many as the Governor and his council can spare, it may easily be conjectured where that money goes and how it is expended. Thus it is obvious that the money of the people of the United States, by virtue of commissions conferred upon Mormons by the Executive branch of the Government, is annually contributed to the maintenance and encouragement of a system from which the whole American heart must shrink with shame, and which the whole civilized world must view with feelings of reprobation and disgust. This view of the case suggests a responsibility upon the part of the President which, upon reflection, he can scarcely disregard. He has appointed all those Mormons to office, and he has the power to remove them. They all have, undeniably, more than one wife each, unless an exception may be found in the case of the Mormon Judge, who, at the time of our withdrawal from the Territory, had scarcely been there long enough to add to the number of his connubial ties.

That the President has not taken this subject vigorously into hand, is a source of much astonishment to the public at large. It may be supposed that he has been prevented from so doing by a want of full confidence in the correctness of the statements which the returned officers have communicated to him. But that supposition is answered by the fact that he has invariably, in conversation with those officers, expressed his entire credence in the fidelity of their representations ; and, furthermore, by the fact that he has, since the resignation of the two officers who surrendered their commissions into his hands, tendered to them, respectively, other offices equivalent in emolument and respectability to those which they resigned.

Thus we are left at a loss for the motive of the President in retaining Brigham Young in office, unless it is that he supposes his retention will exert a winning and conciliatory influence. If such has been the basis of the President's policy, he will find himself sadly mistaken. Young well knows that he is unworthy of the commission he holds. He is fully conscious that he has outlawed himself from all claim to the confidence and favor of this Government. He is perfectly aware that he deserves to be hurled from office and stripped of the commission he has so shamefully dishonored : for such a fate he fully anticipated, as did his people around him, when the retired officers withdrew from the Territory. He now doubtless feels that the administration is pusillanimous ; and while he is deceitfully sending

up, through the columns of the newspapers, his thanks and praises to the President, he, at the same time, is laughing in his sleeve and exulting in feelings of triumph over the rejected Territorial officers and the General Government.

The Senate of the United States having indicated a disapprobation of the course of the President in the nomination of a Mormon to the office of Judge for the Territory of Utah, the name of Orson Hyde, as my successor, has been withdrawn therefrom. Had his nomination been kept before that body, it would have met a palpable and indignant, if not unanimous, rejection. While the Senate thus condemns the policy of the Executive, it but reflects the common sentiment of the whole country. There can be no doubt that the President would have much more nearly conformed to the popular will by removing from office every Mormon incumbent in the Territory, and sending in their stead a corps of *patriotic* officers, including those who have been compelled to withdraw from the sphere of their official duties. Such a course, aided by some modification of the organic law, would, in all probability, in a great measure have overcome the existing difficulties. The people there would then have seen that the General Government had the spirit and determination to maintain its authority. Under such a policy, I should have been willing to return with a view of making another effort to discharge the duties of my office; but the President, in his wisdom, has thought proper otherwise to proceed, and no measures whatever have

been adopted in view of the evils existing in that strange community, which, though geographically remote from us, may nevertheless, within the lapse of a few years, be near enough to be felt as a festering thorn in the side of this Government.

The subjoined letter, addressed by me to the Secretary of State, will furnish an imperfect outline of the circumstances under which we withdrew from the Territory. From the charges contained in the report of the returned officers to the President of the United States, which are imperfectly reviewed in the annexed letter, the Mormons have attempted to screen themselves by personal ridicule and abuse, of which they have made me the principal subject. I have remained silent amidst the slanderous imputations of their unprincipled and hireling scribblers, and should not now deign to notice them, were I not drawn before the public by considerations of more importance to me than their unscrupulous and mercenary detraction. From Great Salt Lake City to New York, have I been assailed by their interested and hired calumniators, through the columns of the press, with false and fabricated aspersions, all of which is characteristic of a people who will scruple at nothing—at no collusion, however corrupt; at no crime, however deep—in order to consummate their nefarious designs or accomplish their diabolical ends. And for what have I been abused? For what has the pen of the slanderer been induced to leave the impress of his calumnies on the pages of the “Deseret News?” For what have the disgusting effusions

of vulgar minds been so copiously and shamelessly poured out in the columns of the New York Herald? I am thus rendered the subject of low and indecent defamation, because, in obedience to a sense of duty, I attempted to disabuse the minds of the Mormon people of the false opinions and prejudices which their priestly vampires had forced upon them, in order to make them enemies to their country and her citizens; because I had the audacity, in a public address, to endeavor to persuade that deceived and deluded people that the Government of the United States was their friend and not their foe; and because they hoped, by traducing me, to divert the public attention from the true issues, or by their vituperations so to impair my credibility as to reduce the number of witnesses or the weight of testimony against them. It is for this that I have been assailed; and their abuse of me is the only defense they have to make for themselves.

PERRY E. BROCCUS.

LETTER TO HON. DANIEL WEBSTER.

WASHINGTON, D. C., *April* 30, 1852.

SIR: I have the honor to acknowledge the receipt of your letters of the 7th and 28th inst., the object of which is to ascertain whether it is my intention to return immediately to the Territory of Utah, for the purpose of resuming my official position as one of the United States Judges for that Territory.

In your letter of the 28th inst. you state that you are

directed to inform me, that, unless I signify by the 15th of May next, my intention to return immediately to the Territory of Utah, for the purpose of resuming the discharge of my official duties, the President will take it for granted that I do not intend to return, and will therefore proceed to perform the duty that will then devolve upon him.

In reply thereto, I beg leave with all due deference to say, that, in my humble opinion, the facts disclosed in the report, made, in writing, to the President of the United States, by the officers who have withdrawn from the Territory, as to the condition of affairs in Utah, clearly show the utter uselessness of the return of myself, or any other of those officers, for the purpose of attempting the discharge of our official functions under the existing state of things.

I beg leave here to take a cursory review of the circumstances under which I, together with other officers of the Territory, withdrew from the sphere of my official duties, and briefly to state the reasons which disincline me to return.

As soon after my appointment to the office of Associate Justice of the Supreme Court of the United States for the Territory of Utah as circumstances would permit, I started for the scene of my official duties, intending, in good faith, to discharge those duties to the best of my ability, in a manner worthy of the commission with which I had been honored.

I expected, on my arrival in the Territory, to be greeted with those marks of respect to which my

official position entitled me, and to find the people, and more especially the Governor, ready to recognise me, together with other members of the bench, as legitimate parts of the machinery of the Territorial Government, and therefore ready to receive us, not only with feelings of toleration, but also with indications of cordiality. I was strengthened in this pleasant anticipation by the favorable opinion which I had learned to entertain of the Mormons as an enterprising, energetic, and hospitable people ; which opinion I had formed, cherished, and often expressed, before my departure from this city, and afterwards, until I arrived in their midst.

The agreeable expectations which I had thus conceived, derived additional strength from the fact that the President of the United States had shown great liberality toward the Mormons, by appointing to a number of the offices under the Territorial Government, members of their peculiar church ; amongst whom were the Governor, one of the Judges, the Marshal, and the District Attorney. Another circumstance which in no slight degree tended to elevate my expectation of an agreeable term of judicial service amongst that far-off people, was, that I knew a portion of my official associates to be gentlemen of intelligence and good principles, whose manners and dispositions were calculated to win friends and promote the comfort of a residence with a people to nearly all of whom we were entire strangers, with a social organization peculiar to themselves, and a religious faith foreign from our own. I

allude to the Hon. L. G. Brandebury, Chief Justice, and the Hon. R. D. Harris, Secretary of State, whose acquaintance I had pleasantly made before I departed for the sphere of my official duties. Under those pleasant impressions I performed my journey, across mountains and plains, to the Territory of Utah, through perils, privations, and hardships, entirely beyond all anticipation.

Having arrived at the place of my destination, instead of realizing the pleasant state of things that my imagination had placed before me, I found that all my favorable opinions of the Mormons were entirely erroneous. Instead of exhibiting feelings of gratitude toward the General Government for the establishment of their Territory and the bestowal of many of its offices upon their own people, I found them ready to treat the Territorial organization as a farce, and all the official components thereof, excepting such as were Mormons, with marked contempt. Instead of finding the Governor of the Territory ready to exercise a cordial co-operation with the judiciary, in the exercise of its legitimate functions, I learned, to my surprise and regret, that he was averse to the establishment of judicial tribunals there, over which "*Gentile*" judges were to preside, and had been actively engaged in exciting the prejudice of the masses against them—having declared that none others than d——d rascals would have come there as judges, unless they were Mormons, and that they should not try a cause if he could prevent it. His whole course, subsequently, proved the sincerity

of his declaration, and a malignant determination to render the situations of all the officers of the Government, excepting such as belonged to his church, so unpleasant that they could not remain there with a proper sense of self-respect, with a becoming regard for the commissions they held, or a correct estimation of their duty as American citizens.

I found also that the Governor of the Territory, together with other leading members of the community, and the Mormon Church, had poisoned the minds of the people with the most erroneous and unfavorable opinions in regard to the Government and citizens of the United States, and had so rancorously enforced those impressions upon the popular credulity, that they had festered into sentiments of deeply seated and malignant hostility toward the General Government and the whole American people, excepting such as found a shelter from their wrath beneath the folds of their peculiar faith and had embraced their religious profession and their peculiar domestic customs. Day after day were these men engaged in the nefarious work of thus deceiving and abusing the public mind. Even the Sabbath was desecrated by the inculcation, from their pulpit, of those false and disloyal sentiments, to such an extent as to indicate clearly that one of the chief purposes of their priests and elders was, to alienate the affections of the people from the Government of the United States, and to invoke the aid of that excitement and deep feeling incident to occasion of public worship, in order to render more certain the accomplishment of their unpatriotic and unhallowed designs.

Nor were these efforts solely, if, indeed, in *any degree*, the result of religious fanaticism. They proceeded from a source which, if not to be more regretted, is to be more condemned. They were the result of willful, deliberate, malicious sedition, conceived in a spirit of hostility to this Government and of resistance to its just authority. The master spirit in all this work is the man who was then, and is now, honored with a commission from the President of the United States, to the highest office in the Territory.

This man, in addition to his many other offences against the common sentiments of patriotism which pervade the American people, upon a great festive occasion, in the month of July last, in the presence of a large concourse of persons, while alluding to the life and character of one of our country's illustrious men, declared in a vehement and exulting tone :

“Zachary Taylor is dead, and in Hell, and I am glad of it ! And I ‘ prophecy, in the name of Jesus Christ, by the power of the priesthood which is now upon me, that any President of the United States ‘ who lifts his finger against this people, will die an untimely death ‘ and go to Hell !”

This declaration was made in connexion with other sentiments of a hostile and seditious character toward the Federal Government, and were manifestly designed to aggravate and deepen the feelings of discontent and animosity which had been diffused throughout the Mormon community toward the Government and people of the United States.

I was not present at the delivery of these sacrilegious and inhuman remarks—not having then arriv-

ed in the Territory—but heard of them, with surprise and indignation, immediately upon my arrival, and was at the same time informed of other strong indications of seditious sentiment on the part of Governor Young and other leading men, and of the alienation, under their influence, of the affection and respect of the people generally from the Government of the United States. Similar sentiments were subsequently avowed, by them, within my hearing, and in the presence of a large public assembly.

Astounded at the hostile and seditious form into which the public sentiment of the community was fast becoming moulded, under the false and unscrupulous teachings of a few designing, unprincipled and selfish men, I suggested to a number of my official associates the propriety of making an effort to correct the prevailing errors of opinion which were assuming a fearful reign over the minds of the people—exciting them to feelings of enmity toward the General Government, and of intolerance towards us as its official representatives. This suggestion met the cordial concurrence of all the officers of the Territory then present who were not Mormons.

Having been authorized by the Board of Managers of the Washington Monument Association, to ask of the people of the Territory of Utah a block of marble or other stone as an offering, from them, at the shrine of patriotism, to be placed in the structure now being built in this city to the memory of the illustrious “Father of his Country,” I suggested to the gentlemen whom I have just named, that, while

bringing the subject of the contribution of a block of marble to the consideration of the people, would be a suitable occasion on which to make an effort to disabuse the minds of the community of the false opinions which had been forced upon them, and thus revive their respect for that Government which, though their friend, they had been taught to regard as their inveterate enemy. This suggestion having met the approval of the gentlemen whom I consulted, I proceeded, with the permission of Governor Young to address a large audience of the people upon the subject of the Washington Monument, and, in the course of my remarks, attempted to vindicate the Government and the people of the United States from the unjust opinions and unfriendly sentiments which had been infused into their minds. This duty I endeavored to perform in a mild and inoffensive manner--having throughout my whole speech, carefully refrained from any allusion whatever to their religion, or domestic customs, as is more fully shown in our report of the 19th December last, to the President of the United States.

The design of my remarks upon the erroneous opinions which the people entertained toward the General Government, and the consequent estrangement of their affections from that Government, was simply to correct those errors of opinion and feeling, without intending in the slightest degree to be offensive or disrespectful. I should have considered myself unworthy of the commission I held, if I had been willing to see that people laboring under erroneous

and unjust impressions and sentiments toward the Government from which I had received that commission, without making an attempt to correct them; and, more particularly, when those opinions had been sown in the minds of the people in order that they might grow up into feelings of hostility to this Government, and be cultivated in the hot-bed of sedition.

At the close of my speech, Brigham Young arose before the audience and abused me in the most violent and indecent manner, making the other officers of the Government of the United States sharers with me in that abuse—declaring that General Taylor was in hell and he knew it, and that the officers of the Government were a pack of d—d corrupt scoundrels. Subsequently, at their public meeting, the tone and substance of my speech were grossly and shamefully misrepresented by Governor Young, and the feelings of the people thus enraged against me, while the other “*Gentile*” officers and myself were denounced, both in public and in private, in the most unmeasured terms of defamation. The effect of this abuse was to alienate from us the respect of almost the entire population of the territory, and to increase their intolerance of us and the Government we represented, to an immeasurable and hopeless degree. I must, however, in justice say, that there were some honorable exceptions of persons who, though Mormons, nevertheless seemed disposed to stand on the side of patriotism and duty; but so few was the number of such, that they were swept like straws upon

the torrent—afraid even, in more than an undertone, to avow their real sentiments.

Of all the pleasant anticipations which I had before me in my departure for the territory, I realized but one; and that was in finding my official associates, Judge Brandebury and Mr. Harris, agreeable companions, and efficient, faithful public officers. I found them to be fully what I expected—amiable, intelligent gentlemen, ready to do anything that judgment, moderation and honor could suggest, in order to render themselves useful in their official capacities and agreeable in their personal intercourse, and to make their stay amongst that people pleasant, or, at least, practicable. But all their laudable attempts were unavailing, and would so have continued to be, as long as Brigham Young, the Governor of the Territory, continued to hold his political position, and to exercise that unbounded authority which resulted from his combined official and personal influence over the community.

It was in the midst of the condition of things which I have herein imperfectly described, that the officers of the Territorial Government were compelled to withdraw, under the full conviction that a longer residence there could serve no useful purpose whatever, and that to remain would be humiliating to themselves and degrading to the commissions which they held.

They, therefore, under a sense of duty, determined to return and make a representation of the case to the President of the United States; not doubting

that remedial measures would be promptly adopted. That representation has been made, and, in my opinion, discloses a picture which should excite the solicitude, if not the alarm, of this country. There can be no reasonable doubt that those people contemplate the establishment of an independent Government; that they design a total subversion of the authority of the United States over them; and that they intend to resist that authority until their triumph shall be complete. If this Government should tamely submit to the rebellious and seditious demonstrations which they have already made, they will exult over that submission, and fresh fuel will thereby be thrown into the flame of disloyalty, already too fiercely burning in their hearts, while they will proclaim, through the mouths of their missionaries in foreign lands—now scattered in every clime throughout the earth—that they have achieved a triumph over this country, and that here, amidst the mountains of America, they have found a spot on which their peculiar religion can grow without restraint; where they can practice their vile religious and domestic customs without molestation; and where, panoplied against all retaliation, they can set the Government of the United States at defiance, while its soil and its treasury are made tributary to their prosperity. The consequence of such a promulgation will be that multitudes, in all parts of the world, as if drawn by magic, will flock to the standard of their faith, and that great numbers, impelled by a wild religious enthusiasm, will emigrate to our shores and rush to the mountain empire of the

Mormons, to aid in the disloyal and rebellious work which has already been so boldly commenced. The surrounding tribes of Indians will also, in their contemplation, be rendered important auxiliaries to the accomplishment of their treasonable designs. Already have they begun to form alliances with that wandering race, by baptizing them into the Mormon Church, and otherwise indicating that they intend to make them formidable allies in their resistance of the authority of this Government.

There is every reason to believe that, when their importations of women from foreign lands shall have ceased, or shall have so greatly subsided as to fail to answer their demands, they will, in pursuance of their system of polygamy, take to their harems Indian squaws from the adjacent regions. The fanatical and seditious Mormon crossed on the wild and hostile Indian will make a terrible race of people, who, growing up with feelings of imbittered hostility to the Government and people of the United States, will so pervade and infest those remote mountains and valleys, as to entirely exclude therefrom all other settlers, and to render emigration across the continent, from the western portion of our country, utterly impracticable, without the protection of a large and expensive military escort. Indeed, such will be the growth of the community, and their hostility to the whole Gentile world, that the lapse of a few years will impose upon the Government the deep mortification and grievous expense of having to maintain an army in the very midst of those lawless and rebellious usurpers.

It is beyond the discernment of human sagacity to foresee the extent to which this evil will run, in the course of time, if the Mormons are permitted to remain in the occupancy of that vast region of which they are now the only white inhabitants, and of which, if allowed to remain, they will, for generations to come, continue to be the sole possessors, without the presence, in their midst, of an army adequate to the maintenance of lawful authority and the protection of the lives and property of others who may desire to settle there. Under the influence of a most intense and all-pervading religious fanaticism, all of their energies of mind and body are stimulated into the utmost activity, and, under that powerful stimulus, they will assiduously and successfully cultivate the industrial pursuits of agriculture, manufactures and the mechanic arts, and thus rapidly develop a powerful self-reliant and independent organization.

The remedy whereby this malady may be cured, and its threatened consequences averted, is not entirely in the hands of the Executive department of the Government. It cannot be radically healed without the aid of Congressional interposition. The true and only thorough remedial policy of the Government is to get rid, entirely, of those unfriendly, disloyal and vicious people. To exterminate them by hostile means would not, at present, either be justified by the occasion, sanctioned by the humane temper of our people, or tolerated by the spirit of the age. But the period may not be remote when, from a failure to apply the milder precautions and remedies which hu-

manity and wisdom suggest, there may be imposed upon the country the necessity of resorting to the sanguinary measure of a civil war. To avert a disaster which would be so deplorable to the American heart, and so humiliating to our national character, inducements should be held out to them to remove peaceably to some distant land—some island of the ocean, or some far-off region which we do not now, and never will, possess. No policy short of their removal will strike thoroughly at the root of the malady. Their dispersion, unless they be removed entirely beyond the confines of our country, would only be a transfer of the evil from one theatre to another. If expelled from the place where they now are, they would, like swarming bees, assemble at another; and wherever they congregate their sting will be felt. By the prompt interposition of decisive measures, the evil may be arrested and controlled; but an acquiescence in what has already transpired, and a tame submission to their future disloyal usurpations, will only tend to give them boldness, greatly increase their number and augment their power, and ultimately lead to consequences serious beyond all conception. If permitted to remain where they now are, to multiply in their numbers and to progress in the unrestrained exercise of their disloyalty towards the General Government, the lapse of a few years may, and in all human probability *will*, impose upon the United States sacrifices not now anticipated, in order to conquer and to crush a rebellion which may, by the application of timely remedies, be

peacefully averted. I would most respectfully suggest that it is the duty of the President to present this subject, in all its seriousness and importance, to the consideration of Congress, and to invoke such legislative action as may lead to the solution of the difficult problem with which the country has to deal, in the treatment of this Mormon question.

I am not unaware that, as your letter suggests, the Constitution makes it the duty of the President of the United States, so far as may be in his power, to see that the laws are faithfully executed; but, with all due deference and respect, I ask, would that duty, in any part, be performed by requiring the officers who have withdrawn from the Territory to go back into the midst of the very state of things which compelled them to withdraw? Would he, in any manner, be performing his duty to the country, by sending those officers back into the field of their official duties, while Brigham Young, under whose usurpation and tyranny they have been induced to withdraw, is retained in authority? Such a course would be so far from seeing that the laws are faithfully executed, as to create new obstacles and to render the execution of law and the exercise of legitimate authority still more difficult. To keep that man at the executive head of the Territory, and at the same time send back, to submit to his insolence and usurpation, the officers whom his seditious intolerance has driven from the theatre of their official duties, would be to elate and embolden him, and make him feel as if he had triumphed over them and the government

which they represented ; and his people, around him, under a sense of such a triumph, would exult and become more disloyal than they now are.

It must be obvious to you that this man has been the great obstacle in the way to the faithful execution of the laws, in the Territory of Utah.

He has, by his usurpation and intolerance, compelled two of the United States Judges and the Secretary of State for the Territory, to withdraw therefrom :

He has been the agitator of hostile feelings against the General Government, and the principal opposer of its authority :

He has inflamed the popular mind with sentiments of ill-will towards the people of the United States, and in the exercise of a boundless personal influence, has poisoned the fountain of popular patriotism, and alienated the affections of the people under his control from the Government to which they owe their allegiance and their love :

He has, in the most intolerant and contumelious manner, insulted the officers sent by the General Government to perform important duties in the Territory, and has seditiously declared his determination to do every thing in his power to prevent them from exercising their functions:

He has shamefully and inhumanly, in an open and public manner, outraged and reviled the memory of one of our country's illustrious men, who has lately descended, from the highest place in the land, to the tomb, leaving a name which will long be cherished in

the grateful and affectionate remembrance of the American people :

He has, in a spirit of treasonable insubordination, publicly, and in the presence of a multitude of his deluded followers, forewarned, in terms of dreadful menace and prophetic anathema, the first President of the United States, who, in the exercise of his constitutional and lawful authority, shall lift his finger against the Mormon people :

He has done almost every act tending to degrade him in the estimation of honorable men and patriotic hearts ; and yet, with all his offences upon him, he is still honored with the commission of Governor of the Territory of Utah, and is thus kept armed with the most potent means of rendering effective his opposition to the authority of the General Government, and making successful and triumphant his seditious efforts to render the official representatives of that Government odious to the people over whom he presides.

This man, Brigham Young, whose heart should have been grateful for the bestowal upon him of the honorable position of Governor of the Territory, has been the great obstacle in the way of a smooth and successful operation of the Territorial Government.

I would therefore most respectfully submit, whether it is not the duty of the President to overcome that obstacle, so far as lies in his power, by the removal of that man from office, before he requires me to return and re-attempt the hopeless task of discharging my official duties, under existing circum-

stances. The pursuance of such a course on the part of the President, and the appointment of some suitable person to the office of Governor, would, doubtless, be followed by such legislation, on the part of Congress, as would tend to the alleviation, if not the entire remedy, of the troubles now prevailing in Utah.

Under such circumstances, I shall be ready and willing to resume my judicial station in that Territory. Under the existing state of things, I respectfully reply, in answer to your letter, that I am unwilling to return.

I have the honor to be, sir,

Very respectfully, your obedient servant,

PERRY E. BROCCCHUS.

To Hon. DANIEL WEBSTER.

Secretary of State, Washington, D. C.



